IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 22ND JUNE 2007 / 1ST ASHADHA 1929

WP(C).No. 12242 of 2007(G)

PETITIONER:

K.V.GANESHAN, S/O. GOVINDAN,
MUZHAKKOTH HOUSE, KLAYIKODE P.O.,
VIA-CHERUVATHUR, KASARAGOD DISTRICT.

BY ADV. SRI.WILSON URMESE

RESPONDENTS:

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1. THE DIRECTOR,
HEALTH DEPARTMENT, THIRUVANANTHAPURAM.

2. DISTRICT MEDICAL OFFICER (HEALTH),
KANHANGAD, KASARAGOD DIST.

3. NARAYANAN P.V., S/O. KESAVAN,
MEINKOTE, UPPILIKAI P.O., VIA NILESHWAR,
KASARAGOD DISTRICT.

BY GOVERNMENT PLEADER SRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. BALAKRISHNAN NAIR, J.

W.P.(C) No.12242 of 2007 (G)

Dated this the 22nd June, 2007.

JUDGMENT

The petitioner is aggrieved by the refusal of the official respondents to select him to the post of Part-time Sweeper. He has passed S.S.L.C. and also possesses Diploma in Civil Engineering. He has registered his name with the Employment Exchange, Kasaragod. By Ext.P1 dated 2.6.2005, he was called for an interview for the post of Part-time Sweeper in the Health Services Department. He was interviewed on 18.6.2007, but was not selected. Instead, the 3rd respondent was selected and appointed. So, feeling aggrieved, he approached this Court. This Court, by Ext.P2 judgment, directed the Director of Health Services to consider his representation and pass a speaking order, with reference to the relevant Government orders. The Director of Health Services, by Ext.P4 order, disposed of his representation, stating that as per the existing rules, persons qualified above S.S.L.C. cannot be appointed as Part-time Sweeper.

2. The learned counsel for the petitioner firstly contended that it is not a speaking order and, therefore, it cannot be treated as an order passed according to the directions of this Court in Ext.P3 judgment. Secondly, it is submitted that the 3rd respondent herein has passed Pre-Degree. Therefore, the disqualification alleged against the petitioner will apply equally to the 3rd respondent also.

3. Heard the learned Government Pleader for the respondents. He handed over a communication from the Director of Health Services, along with a circular issued by the Government dated 24.5.2005. As per the said circular, various parameters are fixed for selection. Educational qualification above S.S.L.C. is treated as a disqualification, as per the said circular. Going by the said circular, I find nothing illegal in the non-selection of the petitioner. Even assuming that the 3rd respondent is also over qualified, the same will not improve the case of the petitioner. The selection of the 3rd respondent respondent could be challenged only by a candidate who has studied upto S.S.L.C. Therefore, the

invalidity of the selection of the 3rd respondent will not help the petitioner in any way.

This writ petition, therefore, fails and is dismissed.

K. BALAKRISHNAN NAIR,
JUDGE.

vav.